

**MINUTES
VIRGINIA HIGHLANDS
LOCAL HUMAN RIGHTS COMMITTEE
SPECIAL MEETING**



**Tuesday, August 13, 2013
SWVMHI – Training Center Conference Room
12:00 Noon**

MEMBERS PRESENT:

Mark Fendig, Chair
Rachel Jones
Denton Staley
Jo Ann Johns
Willie McFarlane
Beverly Derian

MEMBERS ABSENT:

Elvera McLees

OTHERS PRESENT:

Nan Neese, Regional Human Rights Advocate
Marcia Richardson, Administrative Assistant
R. Michael Jones, Ph.D., L.N.H.A.
Leiann K. Smith, L.C.S.W
Elsie Boyd, Guest
Amanda Currin, Assistant Director
Russ McGrady, Clinical Director

The Local Human Rights Committee (LHRC) Special Meeting was called to order by Ms. Rachel Jones, Acting Chairperson, at approximately 12:15 P.M. on Tuesday, August 13, 2013, at Southwestern Virginia Mental Health Institute's Learning Center to conduct a review of and interview with a proposed Next Friend Authorized Representative for a SWVMHI client, to receive an update relative to clinical progress of the subject of the review conducted on July 23, 2013, and to participate in training.

Ms. Willie McFarlane moved to approve the LHRC Special Meeting agenda for August 13, 2013. Mr. Denton Staley seconded the motion and the Agenda was unanimously approved by Committee.

Mr. Mark Fendig and Ms. Beverly Derian joined the meeting in progress.

Ms. Nan Neese, Regional Advocate, reminded the Committee that the Chairman received a Petition for Hearing on July 30, 2013. Since that date, she and Marcia have been making every effort to confirm a date agreeable to the Committee and both parties and their representatives. Ms. Neese forwarded Dr. Cynthia McClaskey's request for both an extension to the time frames for submitting the Director's response together with the record of the complaint and to the 20 days to convene the Hearing. In her request, Dr. McClaskey reported that she had approved leave involving airline tickets rendering her without the opportunity to prepare adequately for the Hearing including, but not limited to, access to her legal counsel. Mr. Denton Staley moved to approve the extensions for submission of the Director's Response and record of the complaint to August 13, 2013 and to set the Hearing for September 10, 2013. Ms. Willie McFarlane seconded, and the motion carried.

Ms. Willie McFarlane moved that the LHRC go into closed session pursuant to VA Code §2.2-3711.A. (4) and (15) for the purpose of protecting the privacy of individuals in personal matters not related to public business and the discussion of medical and mental records, namely to conduct review of and interview with a proposed Next Friend Authorized Representative for an individual receiving services within SWVMHI and to discuss the treatment progress of another individual who was the subject of the closed session on July 23, 2013. Mr. Denton Staley seconded the motion. The motion carried.

Mr. Denton Staley moved to convene public session, Ms. Willie McFarlane seconded the motion, and the Chairman opened the meeting. Ms. Rachel Jones moved that each member certify that, to the best of their knowledge, only matters lawfully exempted from open meetings requirements were heard, discussed, or considered. Ms. Willie McFarlane seconded the motion. Each member properly certified.

Having heard and reviewed the evidence including, but not limited to, testimony from Leiann K. Smith, L.C.S.W., R. Michael Jones, Ph.D., L.N.H.A., and Ms. Elsie Boyd, and the documentary evidence presented, the LHRC finds that the Director's designation of the Next Friend Authorized Representative complies with 12VAC35-115-146, specifically B. 2-4.

The Committee invited Nan Neese, Regional Advocate, to conduct refresher training and a review of the LHRC Handbook on conducting Hearings.

ADJOURNMENT

The meeting was adjourned at 2:02 P.M.

Chair